

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231*M*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/233,073 01/19/99 NANBU

K 033082W001

IM22/0801

EXAMINER

SMITH GAMBRELL & RUSSELL  
BEVERIDGE DEGRANDI WEILACHER & YOUNG  
INTELLECTUAL PROPERTY GROUP  
1850 M STREET N W SUITE 800  
WASHINGTON DC 20036

VINH,L

ART UNIT

PAPER NUMBER

1765

DATE MAILED:

08/01/00

*12*

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Advisory Action</b>	Application No. 09/233,073	Applicant(s) Kenichi Nanbu et al.
	Examiner Lan Vinh	Group Art Unit 1765



THE PERIOD FOR RESPONSE: [check only a) or b)]

- a)  expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b)  expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on 7/24/00 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

The proposed amendment(s):

- will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- will not be entered because:
  - they raise new issues that would require further consideration and/or search. (See note below).
  - they raise the issue of new matter. (See note below).
  - they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant's response has overcome the following rejection(s):  
\_\_\_\_\_

- Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attachment

- The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: None

Claims objected to: \_\_\_\_\_

Claims rejected: 1-14

- The proposed drawing correction filed on \_\_\_\_\_  has  has not been approved by the Examiner.

Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). 11

- Other

Art Unit: 1765

***Response to Arguments***

1. Applicant's arguments filed on 7/24/2000 have been fully considered but they are not persuasive.

The applicant's argument that the flow rate of Szwejkowski et al is never equally applicable to the method of Collins et al having inductive coupling plasma because Szwejkowski is directed at an different RIE etching method than Collins is not found persuasive because although Szwejkowski is directed at an different RIE etching technique than Collins, the examiner only relies on Szwejkowski's specific teaching of chlorine flow rate ( 13.3 sccm/liter ) to alter Collins's chlorine flow rate, the examiner does not incorporate Szwejkowski's etching method into Collins's RIE etching technique. Also, since both Collins and Szwejkowski are directed to RIE etching methods employing a common etchant ( chlorine), the examiner asserts that the flow rate of Szwejkowski is equally applicable to the plasma etching method of Collins.

Art Unit: 1765

*Conclusion*

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Vinh whose telephone number is (703) 305-6302. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Benjamin Utech, can be reached on (703 ) 308-3836.

*Benjamin L. Utech*  
BENJAMIN L. UTECH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700

LV

July 28, 2000